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Parties shall promptly meet and confer.
Defendant shall file any response by
October 22, 2020 at noon.
So ordered. 10.21.2020

DENISE COTE
United States District Judge

October 21, 2020

By: ECF

The Honorable Denise Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, NY 10007-1312

MEMO ENDORSED

Re: MASON V. AMTRUST FINANCIAL SERVICES, INC., ET AL.
Civil Action No. 19-CV-8364 (DLC)

Dear Judge Cote:

This firm represents plaintiff Eugene Mason (“Plaintiff”) in the above matter concerning his claims against defendant AmTrust Financial Services, Inc. (“AmTrust”).

Following our Conference on October 8, 2020, at the Court’s request, we write to request assistance from the Court, and request a conference call with regard to a final, single discovery issue.

Following our Conference, AmTrust did not provide substantial discovery. Only a few pages of discovery was provided, that was not relevant to the issue at hand.

In the interest of time, and to adhere to the Court’s discovery schedule, **Plaintiff has agreed to waive all discovery deficiencies, and all other discovery related issues; provided, that AmTrust produce one, single, spreadsheet document.** This document is historical, it exists, it is readily available, and does not require AmTrust to invest any time, cost or effort. More importantly, the document is highly relevant and absolutely critical for the continuation of this case.

The document is a monthly management report for the month of December 2018. Plaintiff received these monthly reports while employed as an executive with AmTrust. He has provided in discovery a copy of the May 2018 report. However, Plaintiff, and his accounting expert, require the year-end **December 2018** report. This report includes all of the relevant information needed to calculate Plaintiff’s **contractual** bonus.

Further, the discovery provided by AmTrust to date is inaccurate and has errors, including possible intentional errors. We have noted claim costs on closed policies, that should not exist. And we have noted other claim costs that were covered by reinsurance but not credited.

Hon. Denis Cote, USDJ
Wednesday, November 13, 2019

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Based upon current discovery, our expert has already determined that Plaintiff is entitled to profit-related bonus of approximately \$1.2 million to \$2.1 million. However, this is based upon partial year data.

AmTrust is not providing the document we need. **AmTrust has not provided any objection or rationale as to why it should not be produced.** AmTrust is simply ignoring the request and trying to “run out the clock,” so it seems.

We request assistance from the Court to compel production in order to avoid discovery motion practice including a motion to extend discovery. If the document is provided by October 23, 2020, our expert will have sufficient time to deliver his expert report and there will be no need for motion practice.

We thank the Court for its gracious courtesies.

Respectfully submitted,
JARDIM, MEISNER & SUSSER, P.C.

/s/
RICHARD S. MEISNER

cc: William Vita, Esq. (Via ECF)